

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff(s),

v.

KENT H. ROBERTS,

Defendant(s).

No. C-07-4580 MHP

**ORDER DENYING THE UNITED  
STATES' MOTION TO INTERVENE  
AND TO STAY DISCOVERY**

**WHEREAS**, the United States has moved this Court for an order permitting it to intervene in this case so that it can request an order staying discovery until the conclusion of a related pending criminal case;

**WHEREAS**, Defendant Kent Roberts has timely opposed the United States' motion to intervene and to stay discovery; and


**WHEREAS**, the Court has fully considered the papers submitted by counsel and finds that the United States has failed to provide persuasive authority in support of its motion or to demonstrate that substantial prejudice would result from simultaneous civil and criminal proceedings; and a stay would severely prejudice Defendant;

**IT IS SO ORDERED THAT:**

(1) The United States' motion to intervene and to stay discovery is denied. The Court, of course, reserves the right to manage the discovery and proceedings in both the criminal and the civil actions so that no undue burden or any prejudice will occur to either party.

Dated:

*September 25, 2007*

  
MARILYN HALL PATEL  
United States District Court Judge  
Northern District of California